

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

ANGEL D. MORALES VALLELLANES
Plaintiffs,

v.

CIVIL NO. 97-2459 (JAG/GAG)

JOHN E. POTTER, et. al.
Defendants

OPPOSITION TO MOTION REQUESTING ORDER

TO THE HONORABLE COURT:

COME NOW the defendants and through the undersigned attorneys to respectfully Oppose to Plaintiff's Motion Requesting Order (Docket Entry No. 308) as follows:

1. On September 22, 2006, this Honorable Court entered Order (Docket Entry No. 301) granting Defendant until November 18, 2006, to identify its expert witness and until December 15, 2006, for plaintiff to depose defendant's expert witness.
2. On September 22, 200, Defendant informed this Honorable Court that Dr. Ramón O. Fortuño will serve as expert witness on behalf of the government.
3. On September 29, 2006, Dr. Fortuño examined plaintiff and Mr. Angel Morales Vallellanes informed to Dr. Fortuño that Office of Workmen Compensation (O.W.C.P.) has rendered five (5) different psychiatric evaluations throughout the course of his claim at OWCP.

4. On October 2, 2006, Plaintiff filed a Motion Requesting Order, whereby he requests the Court to grant Defendant until October 16, 2006 to render his expert report. (Docket Entry No. 308). This motion is a subterfuge for plaintiff to avoid producing the foregoing five evaluations that came as a result of plaintiff's examination by defendant's expert witness on September 29, 2006.
5. Dr. Fortuño has informed that the foregoing information provided by Plaintiff is important, and it may affect the results of defendant's psychiatric evaluation and report.
6. Dr. Fortuño has informed Defendant that in order to properly prepare his expert report it is necessary to examine the alleged five (5) previous psychiatric evaluations performed by the O.W.C.P.
7. As soon as Plaintiff provides Dr. Fortuño with the alleged evaluations, Dr. Fortuño, in turn, can finalize his expert report expeditiously.

WHEREFORE, the defendants respectfully request from this Honorable Court that it deny Plaintiff's Motion Requesting Order and order Plaintiff to provide Dr. Fortuño with the required medical evidence as hereinabove set forth.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing document was filed with the Clerk of the Court using CM/ECF system, which will submit notification of such filing to: Miguel Miranda, Esq.

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RESPECTFULLY SUBMITTED in San Juan, Puerto Rico this 3rd day of
October 2006.

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